



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF  
TELECOMMUNICATIONS & ENERGY**

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COMMISSIONER

February 13, 2003

John L. Conroy  
Verizon Massachusetts  
185 Franklin Street  
Boston, MA 02110

RE: TRS Contract Extension - D.T.E. 02-82

Dear Mr. Conroy:

In a letter filed with the Department of Telecommunications and Energy ("Department") on November 6, 2002, Verizon New England Inc. d/b/a Verizon Massachusetts ("Verizon") informed the Department that it had reached agreement with Vista Technologies Inc. ("Vista") to continue to provide Dual Party Relay Services ("DPRS" or "TRS") in Massachusetts. Vista has been providing DPRS in Massachusetts since May 1999, and its current contract with Verizon expires on June 30, 2003. Verizon states that it has negotiated with Vista to continue to provide DPRS for another two years, with a Verizon option for continued service for a third and fourth year. Under the terms of the agreement, Vista has agreed to provide additional features and functionality at lower prices and at the same quality of service levels.

Pursuant to 47 U.S.C. § 225 and G.L. c. 166, § 15E, DPRS must provide a functionally equivalent means by which all Massachusetts subscribers who are deaf, hard of hearing, deaf-blind and/or have disabilities affecting speech or clarity of speech will be able to communicate over the existing telecommunications network by utilizing telecommunications devices for the deaf (commonly referred to as TDD/TTY).

The Department's role in the procurement process is to review and approve the request for proposals ("RFP"). G.L. c. 159, § 15E(d). See Dual Party Relay Service, D.T.E. 98-73, at 7 (1998); Dual Party Relay Service, D.P.U. 95-54, at 5 (1995). The statute does not give the Department authority to proscribe the terms of the contract between Verizon and the TRS provider, as long as the contract complies with the Department-approved RFP. Verizon has stated to the Department that the contract extension complies with the Department-approved RFP (Verizon Reply Comments at 1-2). Therefore, it is within Verizon's discretion to proceed with the contract extension.

For the reasons discussed above, the Department agrees with Verizon's interpretation of the statute giving it discretion to execute a contract extension with Vista for provision of TRS for the next two years. The Department requests that Verizon notify it prior to exercising its option for extending the contract for year three and four.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
Paul B. Vasington, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
James Connelly, Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
W. Robert Keating, Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
Eugene J. Sullivan, Jr., Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
Deirdre K. Manning, Commissioner

cc. Mary Cottrell, Secretary  
Paul G. Afonso, General Counsel  
Michael Isenberg, Director, Telecommunications Division  
Staff as Assigned